IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TINA YEAGLEY, Individually and as CIVIL ACTION NO. 1:06-CV-2163

personal representative of the Estate

(Judge Conner) of Betty Waltermeyer, et al.,

Plaintiffs

v.

DANIEL KISEL, Individually and as an officer of the Pennsylvania State Police, et al.,

Defendants

ORDER

AND NOW, this 13th day of April, 2007, upon consideration of plaintiffs' motion for reconsideration (Doc. 15), requesting clarification of the order of court dated March 29, 2007 (Doc. 14), which dismissed plaintiffs' wrongful death and survival claims to the extent that they were asserted under Pennsylvania law, it is hereby ORDERED that the motion for reconsideration and clarification (Doc. 15) is GRANTED. The order of court dated March 29, 2007 (Doc. 14) is AMENDED as follows:

- 1. Numbered paragraph two is deleted and is replaced with the following: To the extent that plaintiffs' wrongful death and survival claims arise under federal law, the motion to dismiss said claims (Doc. 5) is DENIED.1
- 2. All findings set forth in the order of court dated March 29, 2007 (Doc. 14) shall remain in full force and effect except as modified herein.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge

¹ The court makes no intimation whether plaintiffs' wrongful death and survival claims in fact arise under federal law.